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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/815,424	04/01/2004	Eiji Murakami	17585	7730	
23389 7590 02/08/2007 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER		
			PEFFLEY, N	PEFFLEY, MICHAEL F	
			ART UNIT	PAPER NUMBER	
			3739		
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SHORTENED STATUTORY PE	RIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTH	IS	02/08/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Application No. Application No. 10/815,424 MuRAKAMI ET AL.			M
Examiner Michael Pettley 3739		Application No.	Applicant(s)
Michael Peffley 7339 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. For State of the proper by a variable use to prophetic of 3 CFR 1.13649, in role earth, however, may any by ten timely find the state of the communication of 3 CFR 1.13649, in role earth, however, may any by ten timely find the state of the communication of 3 CFR 1.13649, in role earth, however, may any by ten timely find the state of the communication. Fallute for grow which the stor extended period for regive it specified above, the maintain statintory period will apply and will applie Style (B) MONTHS time the maining date of this communication. Fallute for grow which the stor extended period for regive its period of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 10-12 and 13 is/are rejected. 7) Claim(s) 10-12 and 13 is/are rejected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) complete the priority documents	Office Action Commence	10/815,424	MURAKAMI ET AL.
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Applicant's amendments and comments, received December 18, 2006, have been fully considered by the examiner. Applicant's correction of the claim dependencies and the cancellation of claim 14 are acknowledged. The following is a complete response to the December 8, 2006 communication.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyawaki et al (6,193,709).

Miyawaki et al disclose an ultrasonic treatment apparatus comprising a probe (79) to which ultrasonic energy is applied, and a tip action unit that moves in an opening and closing manner. The tip action unit includes a jaw member (75) and a grasping member (78) pivotably supported by the jaw for grasping living tissue (see Figures 5A, 5B and 6). The grasping member includes a body element (81,82) made of a heat resistant resin (col. 8, lines 30+) and a reinforcing member (83) fitted with the body element to cover a portion of the body element. In particular, the reinforcing member is a metal plate that surrounds the body member (82) for attaching the body member (81,82) to the jaw member (78).

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Allowable Subject Matter

Claims 7-9 are allowed. The prior art fails to disclose or suggest a reinforcement member embedded within the resin body of the device as now set forth in these claims.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 6am-3pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner

Art Unit 3739

mp January 26, 2007